

May 4, 2017

TO: ALL CONCERNED


FROM: 
Nolan P. Espinda, Director

SUBJECT: **AMENDMENTS TO COR.14.10: ADMINISTRATION OF
INMATE EDUCATION RECORDS**

The following are the significant changes to COR.14.10, effective May 4, 2017:

- 1) The title of the policy is changed from Administration of Academic and Vocational Records to Administration of Inmate Education Records.
- 2) In Section 2.0, changed Reference section to References and Forms, and renumbered subsequent sections.
- 3) Updated references to add in updated and relevant laws, and delete obsolete laws.
- 4) Added in the following definitions: Attendance Records, Educational Records, HSE, RAD, SMS; and deleted outdated phrases.
- 5) Updated Section 4.0 Policy.
- 6) Added Sections 5.1 and 5.2 to reflect the establishment and maintenance of education records.
- 7) Added Section 5.4 regarding inmate access to education records.
- 8) Modified numbering so that numbering is consistent and sequential.
- 9) Modified formatting so that it is consistent with other policies.
- 10) Other minor grammar changes.

If you require any clarification, please contact Shelley Nobriga at 808-587-1262 or shelley.d.nobriga@hawaii.gov. COR.14.10 is to take effect on May 4, 2017.

	DEPARTMENT OF PUBLIC SAFETY CORRECTIONS ADMINISTRATION POLICY AND PROCEDURES	EFFECTIVE DATE: May 4, 2017	POLICY NO.: COR.14.10
		SUPERSEDES (Policy No. & Date): COR.05.04 & 03/02/2009 COR.14.10 & 03/02/2009	
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1.0 PURPOSE

To establish practices which govern the establishment and maintenance of inmate education records for academic, career and technical programs, including attendance records and transfer from one PSD facility to another.

2.0 REFERENCES AND FORMS

.1 References:

- a. 1994 Improving America's School Act, Public Law 103-382, 108 Stat. 3518.
- b. 34 CFR §§ 200.90 through 200.103, Subpart D – Prevention and Intervention Programs for Children and Youth Who are Neglected, Delinquent, or At-Risk of Dropping Out.
- c. Department of Public Safety (PSD), Policy and Procedures (P & P), ADM.05.01, Access Control to Department Confidential Information.
- d. PSD, P & P, ADM.05.02, Public Access to Department Information.
- e. PSD, P & P, COR.05.02, Sentenced Felon Case Record Management.
- f. Elementary and Secondary Schools Education Act of 1965, Public Law 89-10, 79 Stat. 27.
- g. Family Educational Rights and Privacy Act of 1974 (FERPA), 20 U.S.C. § 1232g, 34 CFR Part 99.
- h. Hawaii Administrative Rules (HAR), Title 8, Department of Education, Subtitle I, Rules of Practice and Procedure, Chapter 6, Confidentiality of Personal Records.
- i. Hawaii Revised Statutes (HRS) § 353-64, Committed Persons Paroled.
- j. Title I, Part D Program, *The Prevention and Intervention Programs for Children and Youth Who are Neglected, Delinquent or At Risk*, reauthorized under the Elementary and Secondary Education Act

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(ESEA), as amended in 2001.

- k. U.S. Department of Education. Office of Elementary and Secondary Education Compensatory Education Program, Chapter 1 Policy Manual State Agency for Neglected or Delinquent Children, December 1991.
- .2 Forms:
- a. Attachment A: Sample of Computer Generated Attendance Form.

3.0 DEFINITIONS

- .1 Attendance Records: Records reflecting the attendance of the individual inmate of his/her education classes.
- .2 Educational Records: Academic Records. Records directly related to a student and maintained by an educational agency or institution or a party acting for or on behalf of the agency or institution.
- .3 HSE: High School Equivalency.
- .4 RAD: Reception, Assessment and Diagnostic unit.
- .5 SMS: Student Management System refers to the Internet-based management information system used to manage student data, including student courses and attendance.
- .6 Title I: Title I, Part D Program, *The Prevention and Intervention Programs for Children and Youth Who are Neglected, Delinquent or At Risk*, for eligible youth under the age of twenty-two without a high school diploma or HSE.

4.0 POLICY

Each inmate entering an education program shall have an electronic education record, which shall include attendance reports which are to be submitted to the Corrections Education Services Branch Manager. The records shall be maintained and monitored to ensure compliance with State and Federal Mandates.

Should an inmate be transferred from one facility to another, the inmate's educational records shall be available to authorized users of the SMS at the receiving facility. When an inmate is released, his/her education records shall be archived in the SMS.

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5.0 PROCEDURE

.1 Establishment of Education Record:

- a. An inmate's education record shall be established by the education staff at either the RAD unit for sentenced felons, or at individual Community Correctional Centers for pre-trial and sentenced inmates, as follows:
 - 1) An initial evaluation shall be established by means of education testing.
 - 2) An orientation process, during which the education staff ascertains the following information:
 - a) Personal information;
 - b) Academic status, including highest academic level achieved and, if possible, academic transcripts;
 - c) Any vocational training and/or job experience; and
 - d) Academic and vocational goals.

.2 Maintenance of Education Record:

- a. Each inmate's education record shall be maintained to reflect current information regarding:
 - 1) Attendance record;
 - 2) Periodic evaluations and re-evaluations through education testing;
 - 3) Monitoring of inmate's academic progress in certain classes; and
 - 4) Information shall be recorded immediately in the SMS.

.3 Attendance shall be reported in one of two ways:

- a. Inmates over twenty-one (21) years of age.
 - 1) Each class instructor shall have each student sign the attendance

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roster prior to the opening of class. Attendance information is then submitted to the education supervisor or specialist for recording into the database. Only signed attendance sheets will serve as the official attendance and proof of inmate attendance. (See Attachment A; Computer Generated Attendance Form)

- 2) This information shall be reported to the Corrections Education Services Branch Manager through the monthly report and as requested.

b. Inmates up through twenty-one (21) years of age.

- 1) Offenders who are 21 years of age or younger, may be eligible for special services funded under Title I. Therefore, it is imperative to keep the records current for the under twenty-one population's academic activity.
- 2) The facility education supervisor shall keep accurate attendance records and report to the Corrections Education Services Branch Manager the total number of students enrolled and the daily attendance as prescribed by the federal reporting procedures for the year.

.4 Inmate Access to Education Records and Release of Transcripts

a. Inmates may access their academic records:

- 1) During periodic evaluations with an education staff member; or
- 2) By submitting a request to the Education Program Supervisor, or designated Education Specialist at their facility. The written request should ask that an academic transcript be released to the inmate.

b. Academic transcripts shall be released to the individual inmate or to a third party upon written authorization by the inmate.

- 1) Release of academic transcripts shall be done only upon receipt of the Release Form generated through SMS.
 - a) The written request for transcripts and/or consent to release academic transcripts shall include the requesting inmate's full name, social security number, SID number, and date of birth

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to aid in locating the correct record.

- b) In the case of a written request to release transcripts to a third party, the request shall also include the name, address and other pertinent information of the third party to ensure delivery of the academic transcript in a timely manner.

6.0 RESPONSIBILITY

- .1 The Corrections Education Services Branch Manager shall review quarterly the attendance count for the education programs for all facilities and submit a report to the Director of Public Safety through the Corrections Program Services Administrator and the Deputy Director for Corrections.
- .2 The Corrections Education Services Branch Manager shall report annually to the Department of Education Office of Special Programs the under twenty-one count as prescribed by the federal reporting procedures.
3. All education program staff members in the State of Hawaii, Department of Public Safety are responsible for the procedures in this policy.

7.0 SCOPE

This policy applies to all correctional facility education programs.

APPROVAL RECOMMENDED:

Yodhi Masaka-Huata May 4, 2017
Deputy Director for Corrections Date

APPROVED:

Nelan P. Espino May 4, 2017
Director Date

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Attachment A: SAMPLE Computer Generated Attendance Form

Facility Name

Education Unit

Sign In Sheet

Date: Day of the Week, Month, Day, Year

Class Name – Military Time (eg. ABE - Math (B) -- 09:00)

Name

Housing

Signature

Last, First Abbreviation _____

Last, First Abbreviation _____

Last, First Abbreviation _____

Last, First Abbreviation _____

Last, First Abbreviation _____

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